

SENATE JOURNAL

Thirty-ninth Legislature—Regular Session

FIRST DAY.

Senate Chamber,
Austin, Texas.

Tuesday, January 13, 1925.

In accordance with the laws of the State of Texas, the Senate of the Thirty-ninth Legislature met in the Senate Chamber in the Capitol in the City of Austin at 12 m., January 13, 1925, and was called to order by Lieutenant Governor T. W. Davidson.

Prayer by Right Rev. Bishop G. H. Kingsolving, of the Episcopal Diocese of Texas.

The Chair then announced the appointment of the following as temporary officers: W. V. Howerton, Secretary; R. M. Gilmore, Journal Clerk; Capt. A. W. Holt, Sergeant-at-Arms; Penn Bagby, Doorkeeper.

The Chair then announced that the certificates of election of the Senators were on his desk and directed the following to be read:

District No. 1—Price, Lloyd E., Daingerfield, Texas.

District No. 2—Strong, J. G., Carthage, Texas.

District No. 3—Fairchild, I. D., Lufkin, Texas.

District No. 4—Triplett, H. F., Beaumont, Texas.

District No. 5—Lewis, H. L., Navasota, Texas.

District No. 6—Hardin, J. Roy, Kaufman, Texas.

District No. 7—Pollard, Thos. G., Tyler, Texas.

District No. 8—Floyd, Chas. R., Paris, Texas.

District No. 9—Moore, W. S., Gainesville, Texas.

District No. 10—Moore, Joe M., Greenville, Texas.

District No. 11—Davis, John, Dallas, Texas.

District No. 12—Ward, Pierce B., Cleburne, Texas.

District No. 13—Witt, Edgar E., Waco, Texas.

District No. 14—Bowers, R. S., Caldwell, Texas.

District No. 15—Russek, Gus, Schulenberg, Texas.

District No. 16—Murphy, Chas., Houston, Texas.

District No. 17—Holbrook, T. J., Galveston, Texas.

District No. 18—Bailey, John H., Cuero, Texas.

District No. 19—Wirtz, A. J., Seguin, Texas.

District No. 20—Wood, A. E., Granger, Texas.

District No. 21—Hardin, Carl C., Stephenville, Texas.

District No. 22—Miller, Eugene, Garner, Texas.

District No. 23—Parnell, J. D., Wichita Falls, Texas.

District No. 24—Smith, Jess R., Breckenridge, Texas.

District No. 25—Woodward, Walter C., Coleman, Texas.

District No. 26—Real, Julius, Kerrville, Texas.

District No. 27—Parr, A., Benavides, Texas.

District No. 28—Stuart, Robert A., Ft. Worth, Texas.

District No. 29—Berkeley, Benj. F., Alpine, Texas.

District No. 30—Bledsoe, W. H., Lubbock, Texas.

District No. 31—Reid, J. W., Canyon, Texas.

The State of Texas,
Department of State.

I, Henry Hutchings, Secretary of State of the State of Texas, do hereby certify that the above and foregoing is a true and correct list of the Senators whose election has been certified to this Department in accordance with the law, as having been elected on November 4, 1924.

In testimony whereof, I have hereunto signed my name officially and caused the seal of State to be hereon impressed at the City of Austin, Texas, this 12th day of January, A. D., 1925.

HENRY HUTCHINGS,
Secretary of State.

At the conclusion of the reading of the above, the Senators appeared at the bar of the Senate en masse and were administered the constitutional oath of office by Lieutenant Governor T. W. Davidson.

The Chair then directed the roll called, the following Senators answering to their names:

Dr. Benj. F. Berkeley of Alpine, representing District No. 29, com-

posed of the counties of El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ward, Ector, Midland, Glasscock, Reagan, Upton, Crane, Crockett, Sutton, Edwards, Real, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Pecos, Uvalde, Medina and Maverick.

W. H. Bledsoe of Lubbock, representing District No. 30, composed of the counties of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Andrews, Martin and Howard.

R. S. Bowers of Caldwell, representing District No. 14, composed of the counties of Bastrop, Lee, Burleson, Washington, Brazos and Robertson.

John Davis of Dallas, representing District No. 11, composed of the county of Dallas.

I. D. Fairchild of Lufkin, representing District No. 3, composed of the counties of Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper and Tyler.

Charles R. Floyd of Paris, representing District No. 8, composed of the counties of Lamar, Delta, Franklin, Hopkins and Red River.

Carl C. Hardin of Stephenville, representing District No. 21, composed of the counties of Bell, Erath, Bosque, Hamilton and Coryell.

J. Roy Hardin of Kaufman, representing District No. 6, composed of the counties of Navarro, Henderson, Anderson, Freestone and Kaufman.

T. J. Holbrook of Galveston representing District No. 17, composed of the counties of Wharton, Ft. Bend, Matagorda, Brazoria, Galveston and Chambers.

H. L. Lewis of Navasota, representing District No. 5, composed of the counties of Grimes, Montgomery, Trinity, Leon, Houston, Polk, Madison, Walker and San Jacinto.

Eugene Miller of Garner, representing District No. 22, composed of the counties of Montague, Jack, Wise, Denton, Palo Pinto and Parker.

Joe M. Moore of Greenville, representing District No. 10, composed of the counties of Rockwall, Collin, Hunt and Rains.

W. S. Moore of Gainesville, representing District No. 9, composed of the counties of Cooke, Grayson and Fannin.

Charles Murphy of Houston, representing District No. 16, composed of the county of Harris.

J. D. Parnell of Wichita Falls, representing District No. 23, composed of the counties of Hardeman, Foard, Knox, Wilbarger, Baylor, Wichita, Archer, Young and Clay.

A. Parr of Benavides, representing District No. 27, composed of the counties of Zavalla, Frio, McMullen, La Salle, Dimmitt, Webb, Duval, Jim Wells, Kenedy, Nueces, Kleberg, Wilbarger, Brooks, Jim Hogg, Zapata, Starr, Hidalgo and Cameron.

Thomas G. Pollard of Tyler, representing District No. 7, composed of the counties of Camp, Wood, Upshur, Smith and Van Zandt.

Lloyd E. Price of Daingerfield, representing District No. 1, composed of the counties of Bowie, Marion, Cass, Morris and Titus.

Julius Real of Kerrville, representing District No. 26, composed of the counties of Kerr, Kendall, Bexar and Bandera.

J. W. Reid of Canyon, representing District No. 31, composed of the counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall and Childress.

Gus Russek of Schulenberg, representing District No. 15, composed of the counties of Fayette, Lavaca, Colorado, Austin and Waller.

Jesse R. Smith of Breckenridge, representing District No. 24, composed of the counties of Scurry, Fisher, Jones, Haskell, Shackelford, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell and Throckmorton.

J. G. Strong of Carthage, representing District No. 2, composed of the counties of Harrison, Gregg, Rusk, Panola and Shelby.

Robert A. Stuart of Fort Worth, representing District No. 28, composed of the county of Tarrant.

H. F. Triplett of Beaumont, representing District No. 4, composed of the counties of Orange, Jefferson, Hardin and Liberty.

Pierce B. Ward of Cleburne, representing District No. 12, composed of the counties of Johnson, Hill, Ellis, Hood and Somervell.

A. J. Wirtz of Seguin, representing District No. 19, composed of the

counties of Blanco, Hays, Comal, Caldwell, Guadalupe and Gonzales.

Edgar E. Witt of Waco, representing District No. 13, composed of the counties of McLennan, Falls, Limestone and Milam.

A. E. Wood of Granger, representing District No. 20, composed of the counties of San Saba, Lampasas, Llano, Burnet, Williamson and Travis.

Walter C. Woodward of Coleman, representing District No. 25, composed of the counties of Comanche, Mills, Brown, Coleman, McCulloch, Mason, Menard, Concho, Runnels, Coke, Tom Green, Schleicher, Irion, Sterling, Gillespie and Kimble.

Absent.

John H. Bailey of Cuero, representing District No. 18, composed of the counties of Wilson, Atascosa, Karnes, DeWitt, Victoria, Goliad, Live Oak, San Patricio, Bee, Refugio, Aransas, Calhoun and Jackson.

Simple Resolution No. 1.

Whereas, Honorable John H. Bailey of Cuero, the Senator-elect from the Eighteenth District is prevented by illness from being present to take the official oath before the bar of the Senate;

Be it Resolved, That he be permitted to take the oath of office before any officer authorized by law to administer oaths, such oath to be filed with the Secretary of the Senate, and Senator Bailey to be carried on the rolls of the Senate as a member from this date.

HOLBROOK.
WIRTZ.
WITT.
PARR.
STRONG.

The resolution was read and adopted.

On account of the absence of Senator Bailey the Chair here announced that he had received the following:

The State of Texas,
County of Bee.

This is to certify that at an election held on the 4th day of November, 1924, for State Senator of the Eighteenth Senatorial District, in pursuance of the Proclamation of the Governor, Mr. John H. Bailey, (whose P. O. address is Cuero,

Texas,) was elected Senator, to the Thirty-ninth Legislature for Eighteenth District, he having received 21,232 votes, the same being the highest number of votes cast for any one candidate.

Witness my hand and official seal, at Beeville, Texas, this the 8th day of December, 1924.

FELIX J. HART, County Judge,
Bee County, Texas.

Oath of Office.

I, John H. Bailey, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as State Senator of the Eighteenth Senatorial District of Texas according to the best of my skill and ability, agreeably to the Constitution and Laws of the United States and of this State. And I do further solemnly swear that since the adoption of the Constitution of this State, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second, in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear that I have not, directly nor indirectly, paid, offered, or promised to pay, contributed, nor promised to contribute any money or valuable thing, or promised any public office or employment as a reward for the giving or withholding a vote at the election at which I was elected, so help me God.

(Signed) JNO. H. BAILEY.

Sworn to and subscribed before me, this 10th day of January, 1925.

A. C. HARTMAN,

Notary Public in and for DeWitt County, Texas.

Permanent Organization.

Senate Chamber,
Austin, Texas,

Tuesday, January 13, 1925.

Hon. T. W. Davidson, Lieutenant Governor:

A caucus was held in the office of the Senate, attended by twenty-nine Senators-elect, and by unanimous vote of those present it was agreed that those Senators present holding proxies for those Senators absent could cast said proxies.

The purpose of the caucus was to determine the number and personnel of the Senate officers and employes for the ensuing Regular Session of the Twenty-ninth Legislature. Senator Archie Parr was elected Chairman of the caucus, and Senator Thomas G. Pollard was elected Secretary.

The following officers and employes were recommended as officers and employes of the Senate during the Regular Session of the Thirty-ninth Legislature:

Secretary, W. V. Howerton.

Assistant Secretary, Morris C. Hankins.

Journal Clerk, R. M. Gilmore.

Assistant Journal Clerk, Miss Ann Egan.

Second Assistant Journal Clerk, Rebecca Bradley.

Sergeant-at-Arms, Capt. A. W. Holt.

First Assistant Sergeant-at-Arms, Morris Midkiff.

Second Assistant Sergeant-at-Arms, J. S. Brackeen.

Third Assistant Sergeant-at-Arms, D. C. Morgan.

Calendar Clerk, Mrs. Martha H. Bradfield.

Assistant Calendar Clerk, Miss Irene Williams.

Mailing Clerk, Mrs. Fred Polglass.

First Assistant Mailing Clerk, Mrs. J. D. Mann.

Second Assistant Mailing Clerk, Mrs. Minnie Smith.

Librarian, Mrs. E. Rupert.

Postmistress, Mrs. W. L. Hall.

Chaplain, Dr. Randolph Clark.

Notary Clerk, Bat Edwards.

Messengers, two, J. J. McCulloch and Jack Archer, each to receive \$2.50 per day.

Telephone Operator, Miss Mary Jacobs, to receive \$5.00 per day.

Doorkeeper, Penn Bagby.

Assistant Doorkeeper, James T. Darwin.

Second Assistant Doorkeeper, Morris Whitsett.

It is further recommended that the Chairmen of the Enrolling and Engrossing Committees be authorized to employ Enrolling and Engrossing Clerks, and such assistants as necessary, and that their appointments be referred to the Senate for confirmation. And that the Enrolling and Engrossing Clerks shall each receive \$7.50 per day respectively for their services.

It is further recommended that

each Senator be permitted to name one stenographer, and that such employe act as clerk of each committee, of which said Senator shall be chairman, save and except that this does not apply to the Chairman of the Finance Committee and the Finance Committee.

It is further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It is further recommended that the compensation of officers and employes named, except as otherwise expressly provided, shall receive \$5.00 per day, except that the Secretary of the Senate and the Journal Clerk and Sergeant-at-Arms shall each receive \$7.50 per day, and except further that the pages shall receive \$3.00 per day, and porters shall receive \$2.00 per day, the head porter receiving \$3.00 per day.

It is further recommended that the Lieutenant Governor be authorized to use any of the employes needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the Lieutenant Governor be permitted to select a secretary and an assistant secretary and personal messenger, and that their salaries be the same as during the Thirty-eighth Legislature.

It is further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that 2,000 copies of the Daily Journal be printed and that the same be prorated among the Senators and the Lieutenant Governor; except that 300 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employes of the Senate, such rental not to exceed \$4.00 per month.

It is further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in the transmitting and re-

ceiving of telephone messages and telegraph messages and expenses that may be actually necessary in the discharge of his official duty.

It is further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee, and a stenographer to the Finance Committee, and that their salaries be the same as during the Thirty-eighth Legislature.

It is further recommended that each Senator and the Lieutenant Governor be permitted to subscribe to five daily papers, to be paid for out of the contingent fund.

PARR, Chairman.

POLLARD, Secretary.

Move: No offices created or salaries raised unless submitted to caucus to be called 24 hours before caucus meets—passed unanimously.

The above was read, and

Senator Parr moved that the same be adopted, and

Senator Davis moved that the Secretary be instructed to cast the vote of the Senate, which motion was adopted.

In accordance the Secretary declared the report adopted.

The Chair directed those provided for in the above to appear at the bar of the Senate, whereupon the constitutional oath of office was administered them.

Simple Resolution No. 2.

By Senator Fairchild:

Resolution in reference to seats to be occupied by the Senators.

Be it Resolved, That the members of the Senate of the Thirty-ninth Legislature who were members of the Senate during the Thirty-eighth Legislature be permitted to retain the seats and desks which they occupied during the Thirty-eighth Legislature, and that those Senators of the Thirty-ninth Legislature who were not members of the Thirty-eighth Legislature may agree among themselves as to the seats which they shall occupy and, if this agreement cannot be reached, then said Senators who are not members of the Thirty-eighth Legislature shall draw lots to determine who shall be entitled to 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th and 15th choice, and the member drawing number 1 shall have the first choice, and so on down to and including 15.

The resolution was read and adopted.

Simple Resolution No. 3.

By Senator Floyd:

Whereas, The Department of Insurance and Banking has been separated, and,

Whereas, There is little in common between the business of insurance and banking; therefore be it

Resolved, That the Senate committee on Insurance and Banking be dissolved and in lieu thereof the Committee of Banking and the Committee of Insurance be created.

The resolution was read and adopted.

President Pro Tem—Election of.

The Chair here announced that the election of a President Pro Tem was the next order of business, whereupon

Senator Murphy placed Senator Wirtz in nomination.

Senator Ward placed Senator Bledsoe in nomination.

Senator Smith seconded the nomination of Senator Bledsoe.

There being no other nominations the Chair declared nominations closed.

The Chair appointed Senators Strong, Holbrook and Smith as tellers.

The tellers, after canvassing the vote, announced the vote as follows:

Senator Wirtz received 17 votes.

Senator Bledsoe received 14 votes.

Senator Wirtz having received a majority of all votes cast the Chair announced him duly and constitutionally elected as President Pro Tem for the regular term of the Senate of the Thirty-ninth Legislature.

When the vote was announced Senator Bledsoe thanked those who voted for him and moved that the election of Senator Wirtz be made unanimous, which motion was adopted by a rising vote.

The Chair appointed Senators Murphy, Miller and Russek as a committee to escort the President Pro Tem to the President's stand, whereupon the constitutional oath of office was administered to him by Lieutenant Governor Davidson.

Senator Wirtz thanked the Senators for the honor conferred upon him.

Standing Committee Appointments.

The Chair, Lieutenant Governor Davidson, announced the appointment of the following standing committees, as recommended by Lieutenant Governor-Elect Barry Miller:

Agricultural Affairs.

Hardin, C. C., Chairman; Triplet, Vice-Chairman; Hardin, Roy, Lewis, Moore, W. S.; Real, Reid, Wood.

Banking.

Holbrook, Chairman; Berkeley, Vice-Chairman; Bowers, Bledsoe, Fairchild, Miller, Russek, Wirtz, Witt, Wood.

Civil Jurisprudence.

Bailey, Chairman; Fairchild, Vice-Chairman; Bowers, Bledsoe, Davis, Miller, Price, Smith, Stuart, Woodward, Wirtz, Murphy, W. S. Moore.

Counties and County Boundaries.

Triplett, Chairman; Parr, Vice-Chairman; Berkeley, Hardin, C. C. Parnell.

Constitutional Amendments.

Holbrook, Chairman; Miller, Vice-Chairman; Bailey, Hardin, Roy, Davis, Murphy, Price, Woodward, Wirtz.

Contingent Expense.

Bowers, Chairman; Bledsoe, Vice-Chairman; Reid, Berkeley, Holbrook, Moore, W. S.; Parr, Parnell, Real.

Commerce and Manufactures.

Hardin, Roy, Chairman; Moore, Joe, Vice-Chairman; Bledsoe, Fairchild, Pollard, Price, Strong, Stuart, Triplett, Witt, Moore, W. S.

Criminal Jurisprudence.

Ward, Chairman; Woodward, Vice-Chairman; Bledsoe, Bowers, Fairchild, Miller, Murphy, Smith, Strong, Stuart, Wood.

Educational Affairs.

Witt, Chairman; Hardin, Roy, Vice-Chairman; Bowers, Floyd, Holbrook, Reid.

Engrossed Bills.

Strong, Chairman; Miller, Vice-Chairman; Davis.

Enrolled Bills.

Floyd, Chairman; Witt, Vice-Chairman; Wirtz.

Federal Relations.

Lewis, Chairman; Pollard, Vice-Chairman; Davis, Hardin, Roy; Reid, Triplett, Wood.

Finance.

Davis, Chairman; Russek, Vice-Chairman; Bledsoe, Bowers, Floyd, Hardin, C. C.; Real, Strong, Ward, Witt, Wood.

Insurance.

Russek, Chairman; Strong, Vice-Chairman; Floyd, Miller, Davis, Pollard, Ward, Witt, Wood, Hardin, Roy; Woodward.

Internal Improvements.

Woodward, Chairman; Smith, Vice-Chairman; Bailey, Moore, Joe; Murphy, Parr, Price, Strong, Ward, Wirtz.

Judicial Districts.

Price, Chairman; Hardin, C. C., Vice-Chairman; Berkeley, Lewis, Murphy, Parnell, Reid, Triplett, Wood.

Labor.

Murphy, Chairman; Moore, W. S., Vice-Chairman; Bailey, Fairchild, Hardin, C. C., Miller, Stuart.

Mining, Irrigation and Drainage.

Bledsoe, Chairman; Murphy, Vice-Chairman; Berkeley, Parr, Reid, Stuart, Woodward.

Representative Districts.

Pollard, Chairman; Lewis, Vice-Chairman; Moore, Joe.

Military Affairs.

Parnell, Chairman; Wirtz, Vice-Chairman; Davis, Lewis, Miller; Moore, Joe; Russek, Stuart, Witt, Woodward.

Nominations by Governor.

Strong, Chairman; Real, Vice-Chairman; Bowers, Fairchild, Hardin, Roy; Holbrook, Moore, W. S.; Ward, Wirtz.

Privileges and Elections.

Moore, Joe, Chairman; Holbrook, Vice-Chairman; Davis, Lewis, Moore, W. S.; Russek, Smith, Ward, Wood, Wirtz.

Public Buildings and Grounds.

Smith, Chairman; Wood, Vice-Chairman; Hardin, C. C.; Hardin, J. R.; Lewis, Parnell.

Public Printing.

Moore, W. S., Chairman; Murphy, Vice-Chairman; Fairchild, Hardin, C. C.; Hardin, J. R.; Pollard, Russek.

Public Land and Land Office.

Real, Chairman; Bowers, Vice-Chairman; Berkeley, Bledsoe, Lewis, Moore, Joe; Moore, W. S.; Wood.

Public Health.

Berkeley, Chairman; Bailey, Vice-Chairman; Fairchild, Floyd, Parr, Parnell, Stuart, Ward, Wirtz.

Public Debts.

Miller, Chairman; Reid, Vice-Chairman; Bailey, Hardin, Roy; Moore, Joe; Pollard, Price, Strong, Triplett, Witt.

Roads, Bridges and Ferries.

Floyd, Chairman; Parnell, Vice-Chairman; Bailey, Moore, Joe; Moore,

W. S.; Parr, Real, Russek, Smith, Ward, Witt.

Rules.

Woodward, Chairman; Davis, Vice-Chairman; Bailey, Hardin, C. C.; Wirtz.

Senatorial Districts.

Price, Chairman; Moore, Joe, Vice-Chairman; Pollard.

State Affairs.

Wirtz, Chairman; Floyd, Vice-Chairman; Davis, Holbrook, Miller, Parnell, Parr, Russek, Triplett, Wood, Woodward.

State Institutions and Departments.

Wood, Chairman; Price, Vice-Chairman; Bowers, Fairchild, Floyd, Pollard, Russek, Smith, Triplett, Wirtz.

State Penitentiaries.

Fairchild, Chairman; Real, Vice-Chairman; Smith, Floyd, Miller, Russek, Strong, Ward, Witt, Woodward, Smith.

Stock and Stock Raising.

Parr, Chairman; Stuart, Vice-Chairman; Berkeley, Bledsoe, Hardin, C. C.; Lewis, Moore, W. S.; Parnell, Triplett, Woodward, Real.

Town and City Corporations.

Stuart, Chairman; Ward, Vice-Chairman; Berkeley, Murphy, Holbrook, Real, Witt.

Congressional Districts.

Reid, Chairman; Price, Vice-Chairman; Lewis, Moore, Joe; Murphy, Smith.

Simple Resolution No. 4.

By Senator Davis:

Resolution in reference to rules for the Senate of the Thirty-ninth Legislature.

Be it Resolved, That the Senate rules adopted by the Thirty-eighth Legislature be, and they are, hereby adopted as the temporary rules for the Senate of the Thirty-ninth Legislature now assembled, and that the rules thus temporarily adopted shall prevail until otherwise ordered by the Senate, provided, however, that Rule No. 70 Subdivision (28) of said rule reading, "A Committee on Insurance and Banking," shall be changed, so that Subdivision (28) of said Rule 70 shall read, "A Committee on Insurance"; and that there shall be and is hereby added to Rule 70 another subdivision to be known and designated

as Subdivision (33), and which subdivision (33) shall be as follows: "A Committee on Banking," the purpose of this amendment being to create separate committees for insurance and for banking.

The resolution was read and adopted.

Pages—Appointment of.

The Chair here announced the appointment of pages, as recommended by Lieutenant Governor-Elect Barry Miller:

Willie Hurt, Walter Harper, Herbert Smart, Ellwood Brown, Theodore Shull, Billy Terrell, page to Sergeant-at-Arms; Edward Stallings, Ernest Eilers, William Dunn, David Ramsey, Billy Moore, C. C. Dorsey, John Peters, William McDonnall.

Porters—Appointment of.

The following porters were appointed by the Chair as recommended by Lieutenant Governor-Elect Barry Miller:

Jim Jackson, Head Porter; Tom White, John Walker, Buck Green, George Richardson, Tom Burton, Sam Grant, Tom Edgar.

Simple Resolution No. 5.

By Senator Witt:

Resolution in reference to notification of Governor and House of Representatives.

Be it Resolved, That the President of the Senate appoint a committee of three Senators to notify the Governor that the Senate has completed its organization and is ready to receive from him such messages as he may deem fit to transmit to it.

Be it further Resolved, That the President of the Senate appoint a committee of three Senators to inform the House of Representatives that the Senate has completed its organization and is now ready to proceed to business.

The resolution was read and adopted.

In accordance with the above resolution the Chair appointed the following committees:

To notify Governor: Ward, Wood and Price.

To notify House: Bledsoe, Parnell and Lewis.

Concurrent Resolutions.

By Senator Davis:

S. C. R. No. 1, A concurrent res-

olution in reference to adopting joint rules.

Be it Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the joint rules of the Senate and the House of the Thirty-eighth Legislature be adopted as the joint rules of the Senate and the House of the Thirty-ninth Legislature until amended, or changed, by action of both the Senate and House.

The resolution was read, and

The Chair referred the same to the Committee on Rules.

By Senator Witt:

S. C. R. No. 2, A concurrent resolution in reference to appointing a committee to count votes for Governor and Lieutenant Governor.

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five Senators and the Speaker of the House of Representatives appoint five members of the House of Representatives to count votes in the recent election for Governor and Lieutenant Governor, and to make all necessary arrangements for their inauguration.

The resolution was read and adopted.

Simple Resolution No. 6.

Whereas, The Senate hears with sincere regret of the illness of Senator John H. Bailey, and of his inability to be with us; therefore, be it

Resolved, That a message of love and sympathy be sent to Senator Bailey, with the further hopes that he will soon be with us. That the Secretary of the Senate be instructed to send the message.

PARR.
BOWERS.

Appointments by Lieutenant Governor.

The Chair here announced the appointments made by Lieutenant Governor-elect Miller:

Private Secretary, Sloan Blair.
Assistant Private Secretary, Anne Wilkerson.
Personal Messenger, Joe Erwin.

Simple Resolution No. 7.

By Senator Davis:

S. R. No. 7, A resolution in reference to determining the Senators

who shall serve the short term of two years and who shall serve the long term of four years.

Be it Resolved, That the Secretary of the Senate is hereby requested to prepare thirty-one slips of paper of uniform size, and then with pen and ink write figures on each of said slips of paper, the first slip to have written thereon the figure "1," the second of said slips to have written thereon the figure "2," and so on until all the slips of paper are used, and the figures written on one of said slips, from "1" to "31;" that then the Secretary of the Senate place each of said slips of paper in a separate envelope of uniform size and appearance, and seal each envelope; that then the Secretary place all thirty-one of said envelopes, as sealed and containing each, one of said slips of paper in a hat on the table or stand used by the Secretary; that each Senator withdraw one of said envelopes from the hat and return to his seat and ascertain what number he has. Each Senator shall announce from his place on the floor of the Senate the number he has drawn, and the Secretary shall make record of the number drawn and announced by each Senator. The Senators drawing the even numbers, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28 and 30 shall be and they are hereby declared to be entitled to the short term of two years. Senators drawing the odd numbers, 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29 and 31 shall be and they are hereby declared to be entitled to the long term of four years, and it is so ordered.

The resolution was read, and

Senator Murphy moved to refer the same to Committee on Privileges and Elections.

The motion was adopted.

Recess.

At 1:45 o'clock p. m. Senator Murphy moved that the Senate recess until 4 o'clock today.

The motion was adopted.

After Recess.

The Senate was called to order by Lieutenant Governor Davidson.

Messrs. Edwards and Whitesell, officers of the Senate, who had not previously been administered the oath of office, appeared at the bar of the Senate and assumed the oath

of office, administered by Lieutenant Governor Davidson.

Notification Committee Reports.

The committee to notify the Governor that the Senate was organized and ready for the transaction of business here appeared and made report.

Bills and Resolutions.

(By Unanimous Consent.)

By Senator Davis:

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, payable out of the general revenue not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employes of the Thirty-ninth Legislature of the State of Texas, providing for the approval of accounts, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Davis:

S. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of forty thousand dollars (\$40,000.00), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the Thirty-ninth Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wood:

S. B. No. 3, A bill to be entitled "An Act declaring all wild animals, wild birds and wild fowls to be the property of the people of this State; to preserve, propagate, distribute, and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses, and prescribing penalties for the violations thereof providing for the issuance of hunting licenses providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensations making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this

Act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Wood:

S. B. No. 4, A bill to be entitled "An Act declaring fish and other aquatic animal life contained in the fresh water rivers, creeks and streams and in lakes or sloughs subject to overflow from rivers or streams within the borders of this State, and in the public rivers, bayous, lagoons, creeks, lakes, bays and inlets of this State, and all that jurisdiction of this State, are the part of the Gulf of Mexico within the property of the people of the State; providing for angler's license, the form, the issuance thereof, and the fees and commissions for same; declaring persons required to purchase angler's license and penalties for failure to procure or exhibit the same with exceptions; providing for an angler's license fund, its use, care and distribution; defining an angler, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senators Murphy and Holbrook:

S. B. No. 5, A bill to be entitled "An Act making an appropriation out of the State Treasury of the State's portion of the compensation to be paid by the State and the United States Government to owners of livestock destroyed to eradicate and prevent disease among livestock in this State."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Pollard:

S. B. No. 6, A bill to be entitled "An Act making unlawful the making or use of false statements in writing respecting the financial condition, or means, or ability to pay, of the person making such false statement, or causing same to be made, or any person, firm or corporation in which he is interested, or for whom he is acting, for the purpose of obtaining money, property, or credit, or the making, acceptance, discount, sale, or endorsement of a bill of exchange or promissory note,

amounting to more than fifty dollars, whether such statements are made directly or indirectly; making such offense a felony and prescribing punishment therefor."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Concurrent Resolution No. 4.

By Senator Davis:

A resolution in reference to disposition of general appropriation bills during the regular session.

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That it is the wish and purpose of the Thirty-ninth Legislature of the State of Texas to introduce, consider and finally pass the general appropriation bills during the regular session of the Thirty-ninth Legislature, said general appropriation bills being the judiciary bill, the departmental bill, the eleemosynary bill, the educational bill and the miscellaneous claims bill.

The resolution was read, and Senator Pollard moved that the resolution be referred to Committee on State Affairs.

Senator Pollard withdrew the motion to refer, and

Senator Parr moved to refer the resolution to Committee on State Affairs.

The motion to refer was lost by the following vote:

Yeas 7.

Bledsoe.	Parnell.
Bowers.	Parr.
Fairchild.	Wood.
Murphy.	

Nays 22.

Berkeley.	Real.
Davis.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Pollard.	Witt.
Price.	Woodward.

Absent.

Floyd.

Absent—Excused.

Bailey.

Senator Murphy made the point of order that the resolution had to lay over one day before consideration.

The Chair overruled the point of order, and

Senator Murphy made the further point of order that the House was not, at this hour, organized and that the Senate could not consider matters that were concurrent with the House.

The Chair overruled the point of order.

The resolution was then adopted, by the following vote:

Yeas 24.

Berkeley.	Price.
Davis.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	Witt.
Pollard.	Woodward.

Nays 6.

Bledsoe.	Murphy.
Bowers.	Parr.
Fairchild.	Wood.

Absent—Excused.

Bailey.

S. C. R. No. 5.

By Senator Davis:

Resolution in reference to passage of general appropriation bills before consideration of other appropriation bills.

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That it is the wish and purpose of the 39th Legislature of the State of Texas to introduce, consider and finally pass the general appropriation bills during the regular session of the Thirty-ninth Legislature, said general appropriation bills being the judiciary bill, the departmental bill, the eleemosynary bill, the educational bill and the miscellaneous claims bill, and the rural school bill, before considering, acting upon and passing any other appropriation bills whatsoever, save and except such appropriation bills as may be necessary to cover the expenses incident to the organization and operation of the regular session of the Thirty-ninth Legislature.

Senator Wirtz offered the following amendment:

Amend S. C. R. No. 5 by adding the miscellaneous claims to be given preference.

The amendment was read and adopted.

Senator Wirtz offered the following amendment:

Amend S. C. R. No. 5 by striking out the words "the rural school bill."

Pending.

S. C. R. No. 6.

By Senators Davis and Witt:

Resolution in reference to balancing the State budget.

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That it is the wish and purpose of the Thirty-ninth Legislature of the State of Texas to balance the State budget during the coming biennium, and that such budget be balanced by reducing appropriations rather than by increasing taxation and, with these things in view, it is suggested that the recommendations made by the Board of Control as to the amounts of the several items needed for the support and maintenance of the various institutions established and maintained by the State of Texas and of the several departments of government of the State of Texas be accepted, prima facie, as the amounts which should be appropriated for the purposes stated.

The resolution was read and ordered printed in the Journal

Committee to Count Votes.

The Chair announced the appointment of the following committee, as per S. C. R. No. 2, providing for the counting of the vote for Governor and Lieutenant Governor:

Floyd, Strong, Reid, Wood and Real.

Adjournment.

Senator Bowers, at 5:40 o'clock p. m., moved that the Senate adjourn until Wednesday morning at 10 o'clock.

The motion was adopted.

SECOND DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 14, 1925.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.

Prayer by the Chaplain, Rev. Randolph Clark.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Davis.

Excused.

On motion of Senator Holbrook, Senator Bailey was excused for an indefinite period, on account of his being ill.

Bills and Resolutions.

By Senator Ward:

S. B. No. 7, A bill to be entitled "An Act to adopt and establish a 'Penal Code' and a 'Code of Criminal Procedure' for the State of Texas."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Murphy:

S. B. No. 8, A bill to be entitled "An Act to amend Article 1352 of the Penal Code of the State of Texas, 1911, by providing the punishment for the offense of an attempt to commit theft from the person to be not more than six month in the county jail and not more than three years in the penitentiary."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Murphy:

S. B. No. 9, A bill to be entitled "An Act to amend Article 1340 of the Penal Code of the State of Texas, 1911, by providing that the punishment for the theft of property of the value of \$50 or more shall be by